

**MINUTES OF THE
LAND RECLAMATION COMMISSION CONFERENCE CALL
SUGAR LOAF CONFERENCE ROOM
LEWIS AND CLARK STATE OFFICE BUILDING
1101 RIVERSIDE DRIVE
JEFFERSON CITY, MISSOURI
June 24, 2013**

Chairman DiPardo called the Land Reclamation Commission Meeting Conference Call to order at 11:05 a.m., at the Missouri Department of Natural Resources, Lewis and Clark State Office Building, Sugar Loaf Conference Room located at 1101 Riverside Drive, Jefferson City, Missouri.

The roll call was taken to see who was present:

Commissioner Gertsch: yes
Commissioner Madras: yes
Commissioner Gillman: yes
Commissioner Jeffries: no
Commissioner Haddock: yes
Chairman DiPardo: yes

Commissioners Present: Jim DiPardo, Chairman (by phone); Dr. Gregory Haddock, Vice Chairman (by phone); Dr. Leslie Gertsch (by phone); John Madras and Joe Gillman. Not Present: Aaron Jeffries.

Staff Present: Kevin Mohammadi, Staff Director; Lauren Cole; Kurtis Cooper; Beth Aubuchon; Don Cripe; Bill Zeaman.

Others Present: Daren Eppley, Attorney General's Office; Van Beydler, Department of Natural Resources, Division of Environmental Quality Administration; Jimmy Gibson, Politte Ready Mix (by phone).

Due to the fact that Chairman DiPardo was unable to view the agenda for the meeting, he turned the meeting over to Commissioner Haddock to lead.

Daren Eppley, Attorney General's Office, spoke before moving on to discuss the next agenda item. Mr. Eppley noted that the meeting is authorized under the Sunshine Law and asked that the Program explain how they had complied with the Sunshine Law and requested that all votes be taken by roll call. Mr. Eppley further explained that because this issue was tabled at the previous meeting on May 23, 2013, the action must be brought back to reopen before taking action on the matter. Finally, Mr. Eppley asked that all speakers identify themselves prior to speaking.

The Land Reclamation Program explained that notice of the meeting was posted in the lobby of the Lewis and Clark State Office Building as well as on the internet and agenda was emailed to interested parties in compliance with Sunshine Law Notice requirements.

Agenda Item 2

Request for Hearing – Politte Ready Mix, LLC, Permit Transfer Application, Reynolds County, 4 Mine Sites – Total of 22 Acres

Director Mohammadi explained that the Commission tabled the issue of the request for a hearing from the Kellys and also tabled the issue of transfer of the permit from Jim Mills to Politte Ready Mix at the May 23, 2013 Land Reclamation Commission meeting. The Commission directed the Program to investigate and report back. Director Mohammadi stated that on June 6, 2013, he, along with Chairman Jim DiPardo, Commissioner Leslie Gertsch, Bill Zeaman, Kurtis Cooper, and Don Cripe, met with Mr. and Mrs. Kelly and visited the Dement site, which is not part of the transfer application. Director Mohammadi explained that no mining had been occurring at the site. Director Mohammadi stated that the Kellys requested the applicant install a wing dam to prevent the adverse impact to their property. Director Mohammadi responded that although the Land Reclamation Program could not require this, they would contact the applicant and pass along the request. Director Mohammadi stated that he and Bill Zeaman contacted Mr. Jimmy Gibson with Politte Ready Mix, applicant, on June 10, 2013. The concerns of the Kellys were conveyed to Mr. Gibson with regard to impacts of upstream mining, who assured staff he would contact the Kellys and see what they could accomplish. Director Mohammadi stated that based on his findings, he saw no reason not to transfer the permit to the applicant.

Commissioner Haddock questioned if the property owners were satisfied with the direction this situation was going. Director Mohammadi responded that the permit for the Dement site, which is the adjacent site, expired in February 2013 and mining is not currently taking place. Director Mohammadi stated that the issue now is with the sites upstream. Commissioner Haddock also questioned if there is a true separation of the property in the permit request and the issues that were heard in the previous meeting. Director Mohammadi responded that was correct.

A motion was made by Commissioner Madras to reconsider the earlier tabled request for a hearing with regard to Politte Ready Mix. Chairman DiPardo seconded the motion. A roll call vote was taken.

Commissioner Madras: yes
Commissioner Gillman: yes
Commissioners Gertsch: yes
Commissioner Haddock: yes
Chairman DiPardo: yes

The motion passed unanimously.

Commissioner Gertsch mentioned a few of the issues noticed during the inspection, including erosion, indications of mining activity which had not occurred since February if not before, and the fact that the Kellys had other issues that were not relevant to the current issue.

Commissioner Gertsch explained that the landowners seem to understand and mostly accept that the issues they have are separate from the issue of the permit transfer application. Chairman DiPardo mentioned that Commissioner Gertsch researched past rainfall in the area and found there were several major rain events that would change the geography. Commissioner Gertsch noted that where the Kellys have apparently lost land to erosion is on the outside of a meandering stream. Chairman DiPardo also mentioned the presence of slues on the property.

There was discussion about what action was needed: did the Commission need only to grant or deny a request for a hearing, or was action also needed on the matter of issuing the permit. Mr. Eppley explained that by taking action on the request for a hearing, it would be reinstating the Program's recommendation of approval of the transfer, so it could be done with only one motion.

A motion was made by Commissioner Gertsch to deny the request for a hearing submitted by the Kellys in the matter of Politte Ready Mix permit transfer application, Reynolds County, 4 mine sites for a total of 22 acres. Chairman DiPardo seconded the motion. A roll call vote was taken.

Commissioner Madras: yes
Commissioner Gillman: yes
Commissioner Gertsch: yes
Commissioner Haddock: yes
Chairman DiPardo: yes

The motion passed unanimously.

OTHER BUSINESS

No other business at this time.

ADJOURNMENT OF MEETING

Chairman DiPardo made a motion to adjourn the meeting. Commissioner Gertsch seconded the motion. A roll call vote was taken. The motion passed unanimously.

Commissioner Gillman: yes
Commissioner Gertsch: yes
Commissioner Madras: yes
Commissioner Haddock: yes
Chairman DiPardo: yes

The Conference Call meeting adjourned at 11:28 a.m.

Respectfully submitted,

Chairman